

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

Request for Modifying the Conditions or Term of Supervision

Name of Offender: Joseph Peter Montelongo

Case Number: 1:97CR60-1

Name of Sentencing Judicial Officer:

The Honorable Lacy H. Thornburg
U.S. District Judge

Date of Original Sentence: 12/1/97

Register Number: 14307-058

PACTS Number: 4578

Original Offense: Break and Enter Motor Vehicle; Aid and Abet Same with Intent to Commit Larceny (Count 2)

Original Sentence: 3 years probation; Special Conditions: \$300 special assessment (paid), \$13,321.06 restitution (balance \$6,888.06), \$2,485.55 court-appointed attorney fees (balance \$2,485.55), and not allowed on federal lands; Modification Order filed on 2/12/03, extending probation until 5/7/05

Type of Supervision: Probation

Date Supervision Commenced: 5/8/2000

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total of years.
☒ To modify the conditions of supervision as follows:

The defendant's supervision will be allowed to expire with the outstanding financial obligation to be collected by civil means through the U.S. Attorney's Office.

Since the U.S. Attorney's Office does not have enforcement capabilities for non judgment fees, it is recommended the court appointed attorney fee be remitted.

FILED
STATESVILLE, N.C.
APR 29 2005
U.S. DISTRICT COURT
W. DIST. OF NC

CAUSE

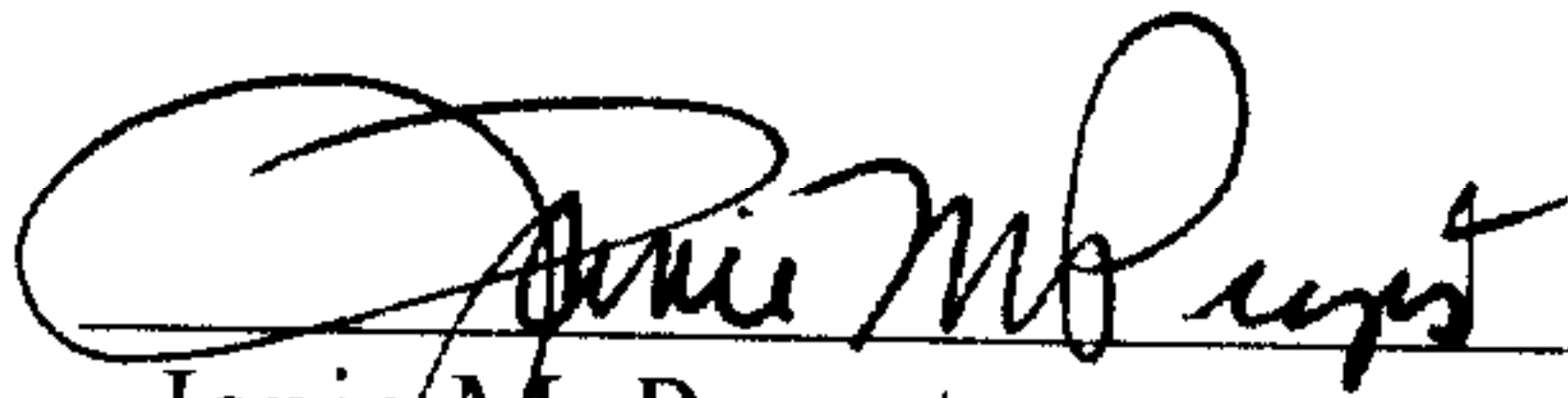
During his terms of imprisonment, supervised release, and probation, the defendant has paid a total of \$3,283 towards the restitution in this case. His co-defendant paid a total of \$3,150 while on supervised release which was revoked subsequently. Therefore, the balance of restitution is \$6888.06. No payments have been applied to the court-appointed attorney fees; therefore, the balance is \$2,485.55.

Mr. Montelongo is married with two minor children. His wife is a homemaker. He has another minor child from a previous relationship for whom he pays child support. During his term of supervision, he obtained his Commercial Driver's License in 2001 and has worked with several delivery companies driving long distance and local. He is presently employed with JM Brown Trucking. He has no known assets other than a 1999 Ford Windstar, for which he is making payments.

Mr. Montelongo has failed to comply with the payment schedule of \$100 per month, but his failure does not appear to have been willful. I respectfully recommend that the Court allow his supervision to expire as scheduled on 5/7/05 with the outstanding financial obligation to be collected by civil means through the U.S. Attorney's Office. I further recommend that the Court remit the court-appointed attorney fees.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

by 
Janie M. Propst
U.S. Probation Officer
(828) 267-3511
Date: 4/5/05

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

4-26-05

Date


Signature of Judicial Officer